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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KYOCERA WIRELESS CORP.			AU, SCOTT D	
P.O. BOX 928289			ART UNIT	
SAN DIEGO, CA 92192-8289			PAPER NUMBER	
			2635	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,851

Applicant(s) **dk**

SAUER, DAVID

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47 is/are allowed.
- 6) ☒ Claim(s) 36-39, 45-46 and 48-60 is/are rejected.
- 7) ☒ Claim(s) 40-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's response to an Amendment, which is filed August 16, 2004.

An Amendment to the claims 1-35 have been entered and made of record in the Application of Sauer for a "System and method for broadcasting a message from a wireless communications device" filed January 24, 2002.

Claims 36-60 are pending.

Claims 1-35 are cancelled.

The new set of claims 36-60 are introduced.

Response to Arguments

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts to overcome the rejection of said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below.

Applicant's amendment and argument with respected to the pending claims 36-60, filed on August 16, 2004, have been fully considered but they are not persuasive for at least the following reasons.

On page 12, second paragraph, Applicant's argument with respect to the invention of Helferich that Helferich neither teaches nor suggests "user selectable options for identifying whether the broadcast message was received", is not persuasive.

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Helferich discloses the base station 34A acts as a clearinghouse for all messages delivered to the user to any of the systems 30 and pages the paging transceiver 100 whenever a message is received. Thus, when a voice mail message or email message is received at system 30A, the system 30A delivers a page to base station 34A which is then delivered to paging transceiver 100. When a voice message is received at system 30B, the system 30B sends information about the message to system 30A and system 30A then delivers a page to base station 34A for delivering the page to the paging transceiver 100. Similarly, when system 30C has an audio message it notifies system 30A and system 30A acts to have the page delivered to the paging transceiver 100. (col. 17 lines 42-55).

On page 13, second paragraph, Applicant's argument with respect to the invention of Helferich that Helferich fails to teach or suggest each and every element of independent claim 47 comprises, "selecting delivery status options for each recipient of the set of recipients, the delivery status options comprising: identifying the recipient addresses receiving the broadcast message, identifying the recipient addresses with answering machines receiving the broadcast message, and identifying the recipient addresses not receiving the broadcast message", is persuasive. Therefore, the examiner has withdrawn the rejections.

On page 13, third paragraph, Applicant's argument with respect to the invention of Helferich that Helferich fails to teach or suggest each and every element of

independent claim 48, that “a broadcast circuit connected to the message memory, the recipient memory and the user interface, the broadcast circuit for controlling a broadcast of the message in accordance with the delivery status option selections, the recipient message response option selections, and the recipient non-receipt option selections”, is not persuasive.

Helferich discloses a broadcast circuit comprises: a CPU (27), Controller (4) and delay circuit (28) with memory (5) connected and a user interface (3) to control the input and out of the paging transceiver (100) (col. 5 lines 4-14). The user interface (3) communicates with the system 30 to notify the user of the delivery status of a message (col. 5 lines 4-14 and col. 8 lines 45-59).

On page 15, second paragraph, Applicant’s argument that Examiner fails to state a proper prima facie case for obviousness in view of Chaco and Wagner et al., is not persuasive.

In response to Applicant’s argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the

combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

Helferich discloses the transceiver 2 is connected to the antenna 1 and is for transmitting signals from the paging transceiver 100 and for receiving signals directed to the paging transceiver 100. The signals that may be transmitted to, or received from, the paging transceiver 100 include, but are not limited to, such signals as selective call signals, command data signals, signals corresponding to a message, and information data signals. The transceiver 2 may comprise a transceiver found in two way pagers or mobile radios and preferably comprises a transceiver commonly used in a portable mobile radiotelephone. The transceiver 2 allows the user to select when and how action should be taken on their messages and notifying the users of received messages (col. 4 lines 1-8 and 50-59).

In the same field of endeavor of wireless communication system, Chaco discloses a single function key is performed on the badge unit 52 to transmit the command signal to the transceiver (col. 7 lines 13-18).

One ordinary skill in the art understands that single command is used of Chaco to communicate with the transceiver (col. 7 lines 12-18) is desirable in the paging communication system of Helferich because Helferich suggests an interface with keypad to perform the communication between the transceiver devices (col. 5 lines 10-15). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include pressing a single function key which define a

command signal disclosed by Chaco into mobile wireless device of Helferich with the motivation for doing so would allow the message to broadcast to another device.

Helferich discloses the transceiver 2 is connected to the antenna 1 and is for transmitting signals from the paging transceiver 100 and for receiving signals directed to the paging transceiver 100. The signals that may be transmitted to, or received from, the paging transceiver 100 include, but are not limited to, such signals as selective call signals, command data signals, signals corresponding to a message, and information data signals. The transceiver 2 may comprise a transceiver found in two way pagers or mobile radios and preferably comprises a transceiver commonly used in a portable mobile radiotelephone. The transceiver 2 allows the user to select when and how action should be taken on their messages and notifying the users of received messages (col. 4 lines 1-8 and 50-59).

In the same field of endeavor of mobile device system, Wagner et al. disclose a user can read an e-mail message on the display 4 or listen to a voicemail by selecting the message from the list and then pressing the Play button 37. When the user selects a message, the sender's address (in the case of an email message) or telephone number (in the case of an voicemail message) appears in the ticker-tape display 32, although the information is not scrolled in that case (col. 6 lines 41-50).

One of ordinary skill in the art understands that recipient addresses of Wagner et al. for a user to read message on the display is desirable in the Helferich because Helferich suggests message, such as email, voice, or text, and also indicate the caller

or other descriptive material about the message (col. 3 lines 30-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include wherein recipient addresses including recipient telephones, voicemail boxes, and email disclosed by Wagner et al. into mobile device recipient list options of Helferich with the motivation for doing so would allow more options and convenience for the user to access voice and text messages.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 36-37, 46, 48, 49-58 and 60 are rejected under 35 U.S.C. 102(e) as being unpatentable over by Helferich (US# 6,462,646).

Referring to claim 36, Helferich discloses a method for broadcasting a message to a plurality of recipients using a wireless communications device, the method comprising (col. 10 lines 44-55) the steps of:

- creating the message (i.e. message is created and then stored) ;
- selecting at least one recipient of the plurality of recipients from a recipient list (col.10 lines 44-46);
- selecting at least one recipient address of a plurality of recipient addresses from the recipient list, the at least one recipient address corresponding to the at least one recipient (col.10 lines 44-46);

selecting at least one delivery status option of a plurality of delivery status options for the at least one recipient (col. 3 lines 42-58 and col. 6 lines 10-25);
broadcasting the message to the selected at least one recipient over a wireless communications network (col. 10 lines 44-59); and
reporting a delivery status for the broadcast message as specified by the selected at least one delivery status option (col. 8 lines 55-59 and col. 17 lines 42-55).

Referring to claim 37, Helferich discloses the method of claim 36, wherein the step of broadcasting the message further comprises the step of:

Selecting a schedule for broadcasting the message (col. 3 lines 42-58, col. 6 lines 10-25 and col. 9 lines 67).

Referring to claim 46, Helferich discloses the method of claim 36, wherein creating a message includes downloading data and video messages into the wireless communications device from an interface port (col. 3 lines 18-22 and col. 15 line 59 to col. 16 line 20).

Referring to claim 48, Helferich discloses a wireless communications device for broadcasting a message to a plurality of recipients, comprising (col. 10 lines 44-55):
a message memory (5) (i.e. memory) for storing the message (col. 5 lines 15-25);
a recipient memory for storing at least one recipient address of a plurality of recipient addresses, the at least one recipient address corresponding to at least one recipient of

the plurality of recipients (col. 5 lines 15-25, col. 5 line 56 to col. 6 line 9 and col. 9 lines 53-61);

a user interface (3) (i.e. user interface) for selecting the at least one recipient, and for accepting delivery status option selections, recipient message response option selections, and recipient non-receipt option selections from a user (col. 5 lines 4-15 and col. 5 line 56 to col. 6 line 9);

a broadcast circuit (i.e. includes CPU 27, controller 4 and delay circuit) connected to the message memory (5) (i.e. memory), the recipient memory and the user interface (3), the broadcast circuit for controlling a broadcast of the message in accordance with the delivery status option selections, the recipient message response option selections, and the recipient non-receipt option selections (col. 9 lines 50 to col. 10 line 60); and, a transceiver (21,24) (i.e. receiver and transmitter) connected to the broadcast circuit (i.e. see Figure 2) for transmitting the message over an airlink interface to the at least one recipient (col. 5 lines 55-67; see Figure 3).

Referring to claim 49, Helferich discloses the wireless communication device of claim 48 wherein the user interface (3) (i.e. user interface) is connected to the message memory (5) (i.e. memory) for storing one of a voice message, a text message and video message into the message memory (col. 5 lines 15-25).

Referring to claim 50, Helferich discloses the wireless communication device of claim 48, wherein the broadcast circuit establishes compliance instructions for the at

least one recipient address in response to the delivery status option selections (col. 10 lines 1-19).

Referring to claim 51, Helferich disclose the wireless communication device of claim 50, wherein the broadcast circuit supplies the compliance instructions with the message for transmission to the at least one recipient (col. 10 lines 1-19 and 44-55).

Referring to claim 52, Helferich discloses the wireless communication device of claim 51, wherein the transceiver receives recipient return information over the airlink interface responsive to the compliance instructions, and wherein the transceiver supplies the recipient return information to the broadcast circuit (col. 5 lines 55-67 and col. 10 lines 1-19 and 44-55; see Figure 3).

Referring to claim 53, Helferich discloses the wireless communication device of claim 52, wherein the broadcast circuit utilizes the recipient return information to display a delivery status on the user interface in accordance with the delivery status option selections (col. 10 lines 20-35).

Referring to claim 54, Helferich discloses the wireless communication device of claim 48, wherein the delivery status option selections comprise:
identifying recipient addresses receiving the message, and
identifying recipient addresses not receiving the message (col. 9 lines 16-26).

Referring to claim 55, Helferich discloses the wireless communication device of claim 48, wherein the recipient message response option selections comprise: accepting a response from the at least one recipient, displaying the response, and storing the response in the response memory (col. 10 lines 1-36).

Referring to claim 56, Helferich discloses the wireless communication device of claim 55 further comprising:

a response memory (5) (i.e. memory) connected to the broadcast circuit for accepting and storing the response, the response memory further connected to the user interface (3) (i.e. user interface) for displaying the stored response on the user interface (col. 5 lines 5-25).

Referring to claim 57, Helferich discloses the wireless communication device of claim 48, wherein the broadcast circuit accepts recipient non-receipt options from the user interface selected from the group including: rebroadcasting the broadcast message to recipient addresses not receiving the broadcast message (col. 2 lines 34-36), displaying a status message regarding recipient addresses not receiving the broadcast message, and doing nothing in response to recipient addresses not receiving the broadcast message (col. 9 lines 16-26).

Referring to claim 58, Helferich discloses the wireless communication device of claim 57, wherein the broadcast circuit accepts selections from the user interface regarding the number of rebroadcast attempts and the time between rebroadcast attempts (col. 2 lines 34-36, col. 9 lines 16-26 and col. 10 lines 44-48).

Referring to claim 60, Helferich discloses a wireless communications device (100) (i.e. transceiver) for automatically broadcasting messages to a plurality of recipients (col. 10 lines 44-55), comprising:

- a message memory(5) (i.e. memory) for storing a plurality of messages (col. 5 lines 15-25);
- a recipient memory (27) (i.e. CPU 27 with memory address code) for storing a plurality of recipient addresses corresponding to the plurality of recipients (col. 5 lines 15-25, col. 5 line 56 to col. 6 line 9 and col. 9 lines 53-61);
- a user interface (3) (i.e. user interface) for selecting a message of the plurality of messages from the message memory, for selecting at least one recipient address of the plurality of recipient addresses from the recipient memory, and for selecting delivery status option selections (col. 5 lines 4-15, col. 5 line 56 to col. 6 line 9 and col. 10 lines 44-55);
- a broadcast circuit (i.e. includes CPU 27, controller 4 and delay circuit) connected to the message memory (5) (i.e. memory) to accept the selected message, connected to the recipient memory to accept the selected at least one recipient address, and connected to the user interface (3) to accept the selected delivery status option selections, the

broadcast circuit creating a broadcast message comprising the selected message and compliance instructions based upon the selected delivery status option selections (col. 4 lines 5-8 and col. 8 lines 45-59, col. 9 line 62 to col. 10 lines 9); and, a transceiver connected to the broadcast circuit for transmitting the broadcast message to the selected at least one recipient address over a wireless interface (col. 5 lines 55-67; see Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US# 6,462,646) in view of Chaco (US# 6,009,333).

Referring to claim 38, Helferich discloses the method of claim 36. However, Helferich did not explicitly disclose wherein broadcasting the message to the selected recipients via a wireless communications network includes automatically broadcasting the message in response to a single command to the wireless communications device.

In the same field of endeavor of wireless communication system, Chaco discloses wherein broadcasting the message to the selected recipients via a wireless

communications network includes automatically broadcasting the message in response to a single command to the wireless communications device (col. 7 lines 13-18; see Figure 2) in order to transmit badge data to a telephone IR receiver or to transceiver (40).

One ordinary skill in the art understands that single command is used of Chaco to communicate with the transceiver (col. 7 lines 12-18) is desirable in the paging communication system of Helferich because Helferich suggest an interface with keypad to perform the communication between the transceiver devices (col. 5 lines 10-15). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include pressing a single function key which define a command signal disclosed by Chaco into mobile wireless device of Helferich with the motivation for doing so would allow the message to broadcast to another device.

Claims 39, 45 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US# 6,462,646) as applied to claims 36 and 48 above and further in view of Wagner et al. (US# 6,282,435).

Referring to claim 39, Helferich disclose the method of claim 36. However, Helferich did not explicitly disclose wherein the plurality of recipient addresses comprises: recipient telephone numbers, recipient voicemail boxes, and recipient email and recipient Internet addresses.

In the same field of endeavor of mobile device system, Wagner et al. disclose wherein the plurality of recipient addresses comprises: recipient telephone numbers, recipient voicemail boxes, and recipient email and recipient Internet addresses (col. 6 lines 41-50; see Figure 4) in order to listen or view messages on the display (4).

One of ordinary skill in the art understands that recipient addresses of Wagner et al. for a user to read message on the display is desirable in the Helferich because Helferich suggests message, such as email, voice, or text, and also indicate the caller or other descriptive material about the message (col. 3 lines 30-35). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include wherein recipient addresses including recipient telephones, voicemail boxes, and email disclosed by Wagner et al. into mobile device recipient list options of Helferich with the motivation for doing so would allow more options and convenience for the user to access voice and text messages.

Referring to claim 45, Helferich discloses the method of claim 36, Wagner et al. discloses wherein recording voice and text messages includes: establishing a plurality of message macros with blank fields; wherein creating a message includes: selecting a macro; and, completing the blank fields in the macro (col. 7 lines 1-23).

Referring to claim 59, Helferich discloses a wireless communications device of claim 48, claim 59 is equivalent to that of claim 45 addressed above, incorporated

herein. Therefore, claim 59 is rejected for same reasons given with respected to claim 59.

Claim Objections

Claims 40-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 40, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "reporting that an answering machine of at least one recipient received the message".

Allowable Subject Matter

Claim 47 is allowed.

Referring to claim 47, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations that "identifying the recipient addresses with answering machines receiving the broadcast message".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

